

## Data Protection Notice – Website

### § 1 Principles

1. Thank you for visiting the website of Messer Schweiz AG (hereinafter: "Messer") and for showing your interest in our company and our products. Below, we want to briefly show you the scope, manner and purpose for which we process your Personal Data, how we protect your Personal Data and what it means for you if you use our online offers.

Personal Data are any information that permits a conclusion to you personally, e.g. your name, address, email addresses, phone numbers or user behavior. Purely technical data that can be associated with you are to be viewed as Personal Data as well.

2. The owner of the data collection in accordance with Paragraph 5 Federal Act on Data Protection (FADP) and the controller in accordance with Article 4, para. 7 EU General Data Protection Regulation (GDPR) is:

Messer Schweiz AG  
Seonerstrasse 75  
5600 Lenzburg  
Telefon: +41 (0)62 886 41 41  
E-Mail: [info@messer.ch](mailto:info@messer.ch)

Also see our [imprint](#).

3. You can contact our data protection officer at:

E-Mail: [DataProtection.ch@messergroup.com](mailto:DataProtection.ch@messergroup.com)

or

Messer Schweiz AG  
Datenschutz  
Seonerstrasse 75  
5600 Lenzburg

4. You can contact our agent in the European Union at:

Messer Industries GmbH  
General Management  
Messer-Platz 1  
65812 Bad Soden  
Germany

5. When you contact us by email, through a contact form or telephone, the complete data disclosed by you (e.g. your email address, your first and last name, your phone number) will be stored by us in order to answer your questions.

#### **FADP**

The information within the context of contacting is processed based on Paragraph 6 FADP. The authorisation permits a proportionate processing of Personal Data in accordance with the principle of good faith.

#### **GDPR**

The information within the context of contacting is processed based on Article 6, para. 1, lit. f GDPR. The authorisation permits processing of Personal Data in the scope of "legitimate interest" of the controller, provided that your fundamental rights, fundamental freedoms or interests are not overriding. Our legitimate interest is in processing your contact.

You may object to these processing activities at any time if there are any reasons in your special situation that oppose processing activities. An email to the data protection officer is enough for this.

6. If we use any commissioned service providers for individual functions of our offer, or if we want to use your data for advertising purposes, we will inform you in detail below about the respective processes. We will also indicate the specified criteria for the respective storage duration in this context.
7. Processing of your Personal Data shall in principle take place by IBM Deutschland GmbH (hereinafter: "IBM") with location in Germany, which we commissioned with contract processing. IBM has been carefully selected and assigned for this, furthermore is bound to the instructions of Messer and subject to regular control.

## **§ 2 Your Rights**

#### **FADP**

1. You have the following rights in relation to us with regard to any of the information relating to your personal data:
  - Right of access (Art. 25-27 FADP);
  - Right to rectification (Art. 32 FADP);
  - Right to appeal (Art. 37 + 41 FADP).
2. You have the right to request information from us at any time about the data we have stored about you, as well as its origin, recipients, the purpose of the data processing and the use of your personal data and, if applicable, the legal basis for the processing (Art. 25-27 FADP).
3. We are obliged to ensure that the personal data we collect is correct. You have the right to have incorrect data corrected by us at any time (Art. 32 FADP).

4. If we base the processing of your personal data on the balancing of interests pursuant to Art. 20 FADP, you may expressly object to the processing (Art. 37 + 41 FADP).
5. You can exercise your rights by sending an e-mail to the following address: [DataProtection.ch@messergroup.com](mailto:DataProtection.ch@messergroup.com).
6. If a large number of persons are affected, the Federal Data Protection and Information Commissioner may be asked for clarification. Upon request, private individuals who violate the right to information (Art. –25-27 FADP), the duty to provide information (Art. 19 FADP) or the provisions on the cross-border disclosure of personal data (Art. 15-18 FADP) will be fined (Art. 60-63 FADP).

## **GDPR**

1. You have the following rights towards us regarding the Personal Data concerning you:
  - Right to information (Art. 15 GDPR);
  - Right to rectification (Art. 16 GDPR);
  - Right to erasure (Art. 17 GDPR);
  - Right to restriction of processing (Art. 18 GDPR);
  - Right to objection to processing (Art. 21 GDPR);
  - Right to data portability (Art. 20 GDPR).
2. You have the right to be informed by us at any time about the data stored regarding you, as well as their origin, recipients or categories of recipients to whom these data are passed on and the purpose of storage. If you ask us, your contact at Messer or our data protection officer in writing to rectify your Personal Data, not to use them any further or to delete them, we will, of course, do this without delay.
3. If you have given your consent to the processing of your data, you can revoke it at any time with effect for the future (Art. 7 para. 3 GDPR). The revocation of your consent does not affect the legality of the processing carried out on the basis of your consent until you revoke your consent.
4. If we base the processing of your personal data on the weighing of interests in accordance with Art. 6 para. 1 lit. f GDPR, you may object to the processing.
5. You can exercise your rights by sending an e-mail to the following e-mail address: [DataProtection.ch@messergroup.com](mailto:DataProtection.ch@messergroup.com).
6. We will further inform you that provision of your Personal Data on this website is generally neither required by law nor by contract. You are not obligated to indicate any Personal Data on this website, except if we state this for individual cases in this data protection notice.

Nevertheless, provision of the functions of this website and execution of a request or order will require processing of your Personal Data.

7. You also have the right to complain to a data protection supervisory authority about processing of your Personal Data by us (Art. 77 GDPR).

### **§ 3 Collection of Personal Data during a visit to our website**

1. If you use our website for information only, i.e. if you do not register or otherwise transmit any information to us, we will only collect the Personal Data your browser transmits to our server. If you want to view our website, we will collect the following data that we require technically in order to show you our website, administrate it and to ensure its stability and security.

#### **FADP**

The legal basis for this processing shall be paragraph 6 FADP. The authorisation permits a proportionate processing of Personal Data in accordance with the principle of good faith.

#### **GDPR**

The legal basis for this processing shall be Article 6, para. 1, lit. f GDPR. The authorisation permits processing of Personal Data in the scope of "legitimate interest" of the controller, provided that your fundamental rights, fundamental freedoms or interests are not overriding. Our legitimate interest is in easier administration and the ability to recognise and prosecute hacking.

You may object to his processing activities at any time if there are any reasons in your special situation that oppose processing activities. An email to the data protection officer is enough for this.

#### **Automatically collected Personal Data:**

- Internet protocol address;
- Date and time of the query;
- Time zone difference from Greenwich Mean Time (GMT);
- The search term if you come to our page via a search engine;
- Files that you have downloaded from our page (e.g. PDF or Word documents);
- Content of the request (specific page);
- Access status /HTTP-status code;
- The respective data volume transferred;
- Website sending the request;
- Browser;
- Operating system and its interface;
- Language and version of the browser software.

The server log files with the above data will be deleted automatically after 30 days. We reserve the right to store the server log files for longer if there are any facts that suggest that there has been an unauthorised access (such as attempted hacking or a DDOS attack).

2. Furthermore, we use cookies in order to put individual queries you have transmitted to our website into a shared context. Cookies are small text files that are stored on your hard disc associated with the browser you use and through which the party that sets the cookie (we, in this case) will receive certain information. Cookies cannot execute any programs or transfer any viruses to your computer. They only serve to make the internet offer as a whole more user-compatible and effective.

#### **FADP**

The legal basis for this processing shall be Paragraph 6-8 FADP. The authorisation permits a proportionate processing of Personal Data in accordance with the principle of good faith.

#### **GDPR**

The legal basis for this processing shall be Article 6 para. 1 lit. f GDPR. The authorisation permits processing of Personal Data in the scope of "legitimate interest" of the controller, provided that your fundamental rights, fundamental freedoms or interests are not overriding. Our legitimate interest consists of analysis of use of our website.

### 3. Use of cookies

- a. This website uses the following types of cookies, the scope and function of which are explained below:
  - Transient cookies (see b);
  - Persistent cookies (see c);
  - Third-party cookies (see d).
- b. Transient cookies are automatically deleted when you close the browser. This in particular includes the session cookies. They store a session ID with which various queries of the browser can be assigned to a shared session. This makes it possible to recognise your computer when you return to our website. The session cookies will be deleted when you log out or close the browser.
- c. Persistent cookies are deleted automatically after a specified duration that may differ depending on cookie. You may delete the cookies in the safety settings of your browser at any time.
- d. You may configure your browser settings according to your wishes and, e.g., refuse the acceptance of third-party cookies (cookies of third-party providers, such as YouTube) or all cookies. Please note that you may not be able to use all functions of this website.
- e. Use of HTML5 storage objects can be prevented by using your browser in private mode. We also recommend regularly deleting your cookies and browser history manually.

## § 4 Use of Piwik Pro

1. This website uses the web analysis service Piwik Pro in order to analyse use of our website and regularly improve it. The statistics acquired enable us to improve our offer and to make it more interesting for you as the user.

### **FADP**

The legal basis for using Piwik Pro is Article 6-8. The authorisation permits a proportionate processing of Personal Data in accordance with the principle of good faith.

### **GDPR**

The legal basis for using Piwik Pro is Article 6 para. 1 lit. f GDPR. The authorisation permits processing of Personal Data in the scope of "legitimate interest" of the controller, provided that your fundamental rights, fundamental freedoms or interests are not overriding. Our legitimate interest consists of analysis of use of our website.

You may object to these processing activities at any time if there are any reasons in your special situation that oppose processing activities. An email to the data protection officer is enough for this.

2. For this evaluation, cookies (for more details, see § 3) are stored on your computer. The controller stores the information collected in this manner only on its server in the EU. The evaluation can be set by erasing existing cookies and preventing storage of cookies. If you prevent the storage of cookies, please note that you may be unable to fully use this website. You can prevent the storage of cookies by making the settings in your browser.
3. This website uses Piwik Pro in a partially anonymised form. This causes internet protocol addresses to be abbreviated before further processing; direct reference to a person can be prevented by this. The IP address transmitted by your browser by Piwik Pro will not be combined with any other data collected by us. The person reference is directly produced by partially deleting the internet protocol addresses, so that only statistical data will be stored.

The program Piwik Pro is an open-source project. Information of the third-party provider for data protection can be found at <https://piwik.pro/privacy-policy/> .

## § 5 Use of Social-Media-Plug-ins

1. We currently use the following Social-Media plug-ins: LinkedIn and Twitter. With these plug-ins, we enable you to interact and communicate with the social media and other users, so that we can improve our offer and make it more interesting for you as a user. We use the two-click solution for this. This means that when you visit our page, personal data in principle will not be passed on to the providers of the plug-ins initially. The provider of the plug-in is indicated by the mark on the box above its first letter or the logo. We enable you to communicate directly with the provider of the plug-in using the button.

Only if you click the marked field and activate it this way will the plug-in provider be informed that you have called the corresponding website of our online offer. The data named in § 3 of this notice will be transmitted as well. Activation of the plug-in will therefore transmit personal data concerning you to the respective plug-in provider, where they will be stored (in the USA for US providers). Since the plug-in provider collects data in particular using cookies, we recommend that you delete all cookies via the safety settings of your browser.

2. We cannot influence the collected data and processing activities, and we do not know the full scope of data collection, purpose of storage, storage periods. We also have no information on deletion of the data collected by the plug-in provider. Contact the providers of the social media to that extent. In light of this, we recommend reading the respective current data protection notes of the providers of the social media named above.
3. Data will be transmitted independently of whether you have an account with the plug-in provider and are logged in there. If you are logged in with the plug-in provider, your data collected by us may be associated directly with your account with the plug-in provider. We recommend that you regularly log out after using a social network, in particular before activating the button, since this may prevent assignment to your profile with the plug-in provider.
4. We do not store the data. Information on the storage duration and further information on the purpose and scope of data collection and processing by the plugin provider is available in the following data protection notice of these providers. It also contains further information on your rights to that extent and setting options for protecting your privacy.
5. Addresses of the respective plug-in providers and URL with their data protection notes:
  - LinkedIn Ireland Unlimited Company, Wilton Plaza, Wilton Place, Dublin 2, Ireland: <http://www.linkedin.com/legal/privacy-policy>.  
LinkedIn also processes your personal data in the USA and applies the EU standard contractual clauses: [Standard contractual Clauses](#).

- Twitter International Company, One Cumberland Place, Fenian Street, Dublin 2, D02 AX07 Ireland; <https://twitter.com/de/privacy>.  
Twitter also processes your personal data in the USA, Ireland and other countries and adheres to the principles of its [Swiss-US or EU-US Privacy Shield certification](#).

## § 6 Integration of YouTube videos

1. We have integrated YouTube videos into our online offer that are stored on <http://www.YouTube.com> and that can be played directly from our website in order to make our website offer attractive and informative. All of these are integrated in the "expanded data protection mode", i.e. so that no data concerning you as user will be transmitted to YouTube if you do not play the videos. Only when you play the videos the data named in paragraph 2 will be transmitted. We cannot influence this data transmission.
2. By your visit to the website of YouTube or by playing the videos, YouTube will be informed that you have called the corresponding sub-page of our website. The data named in § 3 of this notice will be transmitted as well. This is done no matter if YouTube provides a user account through which you are logged in or whether you have no user account. If you are logged in to Google, your data will be associated with your account directly. If you do not wish assignment to your profile at YouTube, we recommend logging out before you activate the play button.
3. We do not store the data. Information on the storage duration and further information on the purpose and scope of data collection and processing by YouTube is available in the following data protection notice of these providers. It also contains further information on your rights to that extent and setting options for protecting your privacy: <https://privacy.google.com/intl/en/index.html#>.  
Google also processes your personal data in the USA and continues to apply the principles of the EU-US Privacy Shield and Swiss-US Privacy Shield, <https://www.privacyshield.gov/EU-US-Framework>.

## § 7 Integration of Google Maps

1. We have integrated Google Maps into our online offer that are stored on <https://www.google.de/maps> and that can be called directly from our website in order to make our website offer attractive and informative. Only when you use google maps e.g. for the calculation of a route the data named in paragraph 2 will be transmitted. We cannot influence this data transmission.

2. By your visit to the website of Google Maps, Google Maps will be informed that you have called the corresponding sub-page of our website. The data named in § 3 of this notice will be transmitted as well. This is done no matter if Google provides a user account through which you are logged in or whether you have no user account. If you are logged in to Google, your data will be associated with your account directly. If you do not wish assignment to your profile at Google, we recommend logging out before you activate the play button.
3. We do not store the data. Information on the storage duration and further information on the purpose and scope of data collection and processing by YouTube is available in the following data protection notice of these providers. It also contains further information on your rights to that extent and setting options for protecting your privacy: <https://privacy.google.com/intl/en/index.html#>.

Google also processes your personal data in the USA and continues to apply the principles of the EU-US Privacy Shield and Swiss-US Privacy Shield, <https://www.privacyshield.gov/EU-US-Framework>.

## **§ 8 Questions and comments**

1. We take data protection very seriously. If you have any questions or suggestions on data protection at Messer, you may email our data protection officer under the email address indicated in § 1.
2. We reserve adjusting and updating this data protection notice on demand. Updates of this data protection notice will be published on our website. Changes shall apply from the time of their publication on our website. We therefore recommend that you visit this page at regular intervals in order to learn about any updates that were made.